

## THE DREAMERS' INVISIBLE BORDER

ANNA BARTNIK

The problem of Dreamers has recently been a widely discussed issue in the United States.<sup>1</sup> It drew American society's attention and provoked social tension. It also led human rights, immigrant rights activists, as well as the group of Dreamers itself, on the streets. In Washington and other American cities, marches and protests, aiming to politicize the issue and force the federal government to solve the problem, were organized. The Dreamers' issue is complex because it goes beyond basic political controversies. It is also a question of responsibility and human dignity. It raises moral questions as well. Considering the problem of Dreamers, it seems that there is no political consensus on it. American Congress has been paralyzed on the issue for almost twenty years. Legislative propositions aiming to find a solution were introduced in Congress for the first time in 2001. Alike the first one, also other similar projects never passed the legislation process and none became law. President Barack Obama believed, that the Dreamers deserve legalization of their stay in the United States. However, without congressional decision he had limited options. Using his power he was able to introduce the DACA (the Deferred Action for Childhood Arrivals) program, that guaranteed only a temporary protection. Donald Trump expressed his opinion on the problem of Dreamers during the presidential campaign of 2016. He declared, that he would end the problem on "day one" of his presidency. Since September 2017 the DACA program has been phased out in its current form. It should definitely be ended by March 2020, unless Congress enacts legislation changing the current status of Dreamers. Current sentiments of American administration do not favor immigrants. Stronger immigration enforcement puts them in constant fear of deportation. Therefore, their fate is more uncertain now, than it had ever been before.

This article aims to present the complex problem of the Dreamers' status in American society. It shows a legal background of the problem as well as the stance of American society on the issue. As Dreamers are undocumented immigrants, it answers a question who are unauthorized immigrants in the

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<sup>1</sup> This article was completed in December 2017 at the heart of the hot dispute between President Donald Trump and Congress over the future of Dreamers and the wall. President expected the acceptance of expenditures connected with the wall project in exchange for his retreat from decision on the termination of the Dreamers' temporary legal status. As of the first days of January 2018, there were no signals of possible compromise. The legal temporary status for the first group of almost 800,000 of Dreamers expires in March 2018.

United States. It also discusses actions taken by American presidents to deal with the problem of that particular group of residents.

### Undocumented immigrants in the USA

The United States is a nation of immigrants. As a society and a state created and shaped by “hordes” of arriving foreigners, it deals with the problem of illegal immigration every day (Ruarc & Sivaprasad Wadhia, 2012). This issue is present in public debates as well as private talks. During presidential campaigns candidates’ stance on immigration becomes one of the most important questions. Answers to such questions are important as they shape voters’ support or the lack of it. Minority groups, that are numerous like Hispanics, become more and more significant. Their political influence grows along with the number of their members who are eligible to vote. Unauthorized immigrants in the USA brought to public debates not only the problem of their presence within American borders, but also raised questions on labels (Bartnik, 2016). American society has long been living under the regime of political correctness. According to the rule it is necessary to avoid situations, behavior or words that might be considered offensive. Calling someone “an illegal immigrant” became unpopular because it was not politically correct and criminalized a person not his/her behavior. American administration started to use the term of “an undocumented immigrant” and “an unauthorized immigrant” instead of “illegal immigrant/alien” that was used before. Recently the media report, that after a long time of developing the idea of political correctness, current polls show, that Americans are tired with hiding behind euphemisms. The Cato Institute points that: “nearly three-fourths (71%) of Americans believe, that political correctness has done more to silence important discussions our society needs to have”. “58% of Americans also believe the political climate today prevents them from saying things they believe” (Ekins, 2017). Opinion on immigration polarized American political scene as well as society. Polls show that the division among members of the society run mostly between generations. Overall attitude toward immigration is rather constant and not so unfriendly as some could expect. Only after dramatic accidents as terrorist attacks, American citizens tend to favor more hard line policy toward foreigners. After some time their emotions stabilize and general attitudes toward immigrants are more or less the same as before. The data confirm, that the vast majority of ordinary Americans is more pragmatic and they “support smart solutions to immigration reform and reject mass deportation. They support a pathway to citizenship for people who are part of our communities, learn English, pay back taxes, and so forth, and they reject tearing these families apart. (...) These polls illustrate that the ideological extremism of the hard right is well outside the mainstream pragmatism of the American people” (Wolgin &

Kelley, 2011). Closer research on American attitudes toward immigration shows, that they expect their borders to be safe and tight, and to deal with foreigners already residing in the USA. According to one of the most recent polls conducted by the Public Religion Research Institute (PRRI), there is a quite substantial generational difference in views on immigration. Among young adults, age 18 to 29, more than two-thirds (68%) believed that immigrants strengthen the country. Less than one in five (19%) was afraid that American traditional values were endangered by newcomers. Among elders, age 65 or more, only 36% saw positive influence that strengthens American society. Almost half (44%) of them said, that immigrants coming to the USA are a threat. Additional 12% of seniors had no opinion on this issue (Cooper, et al., 2016).

Any dispute on undocumented immigrants in the USA should start from the definition. There are different factors that define several types of foreigners illegally living in the country. Generally saying, unauthorized immigrants in the USA are foreign nationals who entered American territory without the permission of the United States government or who continue living in the country even if the authority to be here, had expired. Both situations mean violation of American immigration law and threaten such immigrants with deportation, any time when foreigners' unauthorized status is revealed. Today, the United States is well known for its hard line immigration policy, but only a century ago immigration to the United States was almost unrestricted (besides the exclusion of Chinese nationals) and there were no illegal immigrants. Since the 20's of the twentieth century situation has changed. Up to now, the USA has developed an immigration policy that is characterized by strict inland enforcement, a growing number of border patrol agents and heavy immigration control.

The Pew Research Center reported, that in 2015 there were estimated 11 million unauthorized immigrants living in the United States. They were usually young - 68% of them were 16 to 44 years old. Men were merely half of the total number of the unauthorized population living in the USA. The top sending countries were Mexico (56% of the total number of undocumented immigrants in the USA came from the southern neighbor's territory), Guatemala (7%), El Salvador (4%) and Honduras (3%) (Migration Policy Institute, 2015). It meant that over 70% of that population were citizens of Mexico and Central America only. Although Mexico still leads ranks, the number of illegal immigrants declined between 2009 and 2015. The most surprising data were gathered in 2013. For the first time in history Mexican net migration dropped to zero. It is believed it was caused not only by the slow recover of the American economy after the recession (2007-2009) but also stricter immigration enforcement played an important role. The USA became less attractive and safe for unauthorized immigrants (Gonzalez-Barrera, 2015).

### American Policy Toward Dreamers

The above mentioned estimates also encompass a group of people who belong to a very special population of unauthorized immigrants living in the USA – the Dreamers. Since Barack Obama’s presidency, they have become the focal point of many immigration debates. The Dreamers are unauthorized immigrants already living in the USA, who were brought to the country illegally at a young age. The name of the group is derived from a piece of legislation proposed to solve the problem of their immigration status. The Development, Relief, and Education for Alien Minors Act (the DREAM Act) was first introduced in 2001. According to Migration Policy Institute, if passed, it would allow more than 2.1 million unauthorized children and adults under 35 to apply for legal status in the USA (Xu & Yoshikawa, 2013). Under the project these individuals who meet certain requirements will have an opportunity to legalize their stay in the USA. The bill introduced to Congress required that a person must have entered the USA before the age of 16 and must have been present in the United States for at least five consecutive years prior to enactment of the bill. He or she must have graduated American high school or have obtained a GED, or have been accepted into an institution of higher education. Additional provisions required that an applicant must be between the ages of 12 and 35 at the time of application and of good moral character. This proposition induced a vivid discussion.

Opponents of the proposed legislation alarmed that it introduced an amnesty for undocumented immigrants. Moreover, they warned public opinion that the Dreamers were going to be a financial burden for American taxpayers. Considering the fact, that education in the USA has always been very expensive, for the significant part of American society this argument sounded alarming, that people staying in the country illegally would be eligible for public benefits. Selene Salas argue, that there was no such threat and it was only a myth. Citing the White House officials she points: “undocumented youth adjusting to lawful permanent resident status are only eligible for federal student loans (which must be paid back), and federal work-study programs, where they must work for any benefit they receive” (Salas, 2015). Other arguments appealed to fears that enacting the DREAM act would become an incentive for the next immigrants to come, as well as, that it would take away some opportunities for American-citizen students. Prevailing attitudes towards the Dreamers, however, were quite positive. A significant part American voters believed they should not be punished for their parents’ decisions. The support for the project in Congress was also growing. Although the first DREAM act introduced in 2001 failed, the number of co-sponsors increased from 18 to 209 (in the Senate and 200 in the House of Representatives) in 2017 (Congress.gov, 2017). During the next few years the project of the DREAM Act was introduced in Congress several times.



Between 2001 and 2006, however, it was unsuccessfully proceeded. Due to the Republican majority (in control of Congress) and the lack of their support for the idea of adjusting the Dreamers' immigration status, the proposed law did not pass. When the Democratic party took control over federal legislative body in 2007, the project was introduced again, and was rejected again. A similar situation occurred three years later. In 2010 however, it passed the House (216:198) and was rejected in the Senate by a narrow margin 55 (yeahs):41(nays). Only five votes short of the 60 needed to be considered for final passage (CNN, 2010). President Barack Obama, who supported the legislation, called this failure "incredibly disappointing", but at the same time he confirmed, that the fight was not over. CNN reported that he was supported by Democratic legislators. Senator Barbara Boxer from California said: "my message to these young people is 'never fear,' we're not going anywhere. We're going to continue to fight because this is the right thing to do." Oponent Republicans like Jeff Session from Alabama asserted that: "if we pass this amnesty, we will signal to the world that we're not serious about the enforcement of our laws or our borders" (CNN, 2010).

A debate on the 2010 DREAM Act revealed other controversies connected with proposed provisions. Many argued that solutions proposed in the act were a military tactic. The act stated that the pathway to citizenship can lead (among other possibilities) through the military service. More profound analysis of the requirements provided by this legislation says that this is, in many cases, the only possible way for the Dreamers to legalize their status. First of all, it is important to remember that among "dreamers - students" there is a significant number of those who do not have English proficiency at a level necessary to gain access into a higher education institution. Second, as Dreamers are not entitled to any form of financial, federal based, support like student scholarships, it may happen that they cannot afford to cover tuition. Considering these arguments, military offer, that can provide all these benefits seems attractive. But there is a contradiction between the rules described in the act and military rules. The act says about a two-year option (to serve in the military) that opens the pathway to American citizenship for Dreamers. Unfortunately, military contract is eight years. Proponents also underlined positive aspects and beneficial effects of the proposed legislation. Legalized status of Dreamers lets them live "normal" life, what simply mean economic gains. By buying houses and starting their own business the DREAM Act beneficiaries will contribute to the American economy. Finally, graduating universities, they will be able to find better paid jobs and provide more taxable income.

It's been years since the first proposition of the DREAM act was proposed in Congress. President Barack Obama after another failure of the project, emotionally commented the issue (Valencia, 2010):

## TRANSNATIONAL AMERICAS

I get letters from kids all across the country -- came here when they were five, came here when they were eight; their parents were undocumented. The kids didn't know -- kids are going to school like any other American kid, they're growing up, they're playing football, they're going to class, they're dreaming about college. And suddenly they come to 18, 19 years old and they realize even though I feel American, I am an American, the law doesn't recognize me as an American. I'm willing to serve my country, I'm willing to fight for this country, I want to go to college and better myself -- and I'm at risk of deportation.

And it is heartbreaking. That can't be who we are, to have kids -- our kids, classmates of our children -- who are suddenly under this shadow of fear through no fault of their own. They didn't break a law -- they were kids.

The president was disappointed with the idleness of Congress in the case of Dreamers. In 2012 Barack Obama decided to use his power and proposed a new program called the Deferred Action for Childhood Arrivals (DACA) program. Explaining his decision he appealed to American society for support (The American Presidency Project, 2012):

Put yourself in their shoes. Imagine you've done everything right your entire life, studied hard, worked hard, maybe even graduated at the top of your class, only to suddenly face the threat of deportation to a country that you know nothing about, with a language that you may not even speak.

The DACA program provided a temporary protected status. The Dreamers who attended the program were protected from deportation, and gained work authorization, but they had to meet certain requirements. First, they had to be under thirty-one on June 15, 2012 (it was the date when the program was announced). Then, it was expected that they had been brought to the USA before they turned sixteen and had lived in the country since June 15, 2007. They were required to be physically present in the USA and to have no criminal record. While announcing the program, it was also confirmed, that deferred action "confers no substantive right, immigration status or a pathway to citizenship" (Wong, 2017). The program was a compromise between the idea of the DREAM act to grant the Dreamers a citizenship and the defiance of the members of congress to that idea. It was also disappointing for the unauthorized Dreamers. The status offered by the DACA program was only temporary and did not provide any pathway to citizenship. Some of them were also concerned about the circumstances of the situation. They were afraid to reveal their immigration status and were not sure what can happen in future when the program will expire. They were also tired and frustrated by living secret lives as adults. Since *Plyler v. Doe* ruling (1982), under American law children living in the USA regardless of their immigration status, have had right to public education. The point was,

that the right terminated with high school graduation. The 1996 Illegal Immigration Reform and Immigrant Responsibility Act was trying to limit state financial aid to unauthorized students at public colleges and universities, but it did not explicitly prohibit it. As the federal legislation failed to solve the problem of Dreamers, states started to deal with it on their own. In June 2001 Texas was the first state to pass legislation allowing in-state tuition for unauthorized students. The most recent one was the Real Hope Act enacted in 2014 in Washington. According to the law students domiciled in the state of Washington may receive aid regardless of immigration status (National Conference of State Legislatures, 2015).

Friendly state educational policy resulted in a growing number of undocumented students at state colleges and universities. What they had to do (in some states) while applying to a post-secondary school was to sign an affidavit promising to seek legal immigration at the earliest opportunity (Shelepov, n.d.). According to Chin and Juhn's study, the passage of the state law did not predict a significant increase in undocumented immigrants' college enrollments overall. The study showed, that there was an exception. Mexican men, between 22 and 24, a group that traditionally has a high rate of unauthorized members, attended college at higher rates after passage of the state laws (Chin & Juhn, 2010). However, when they finished college, they were not able to work legally and they could be a subject to deportation as they were still undocumented immigrants. Xu Zhao i Hirokazu Yoshikawa point, that the situation of Dreamers was even more hopeless. As "children of unauthorized immigrant parents who are unauthorized themselves have no path to legalize their immigrant status independently. Because they have lived in the United States illegally, employers cannot sponsor them to obtain work visas" (Xu & Yoshikawa, 2013).

As time passed, the year 2017 proved that the Dreamers' fears were not groundless. In January Donald Trump took over the office of the president of the United States. During the presidential campaign, he shared his feelings about illegal immigrants and commented on the fate of Dreamers. He vowed to overturn DACA on "day one" of his presidency. In February 2017, at the press conference, he declared: "We are gonna deal with Daca with heart. The Daca situation is a very difficult thing for me, as I love these kids, I love kids. I have kids and grandkids, and I find it very, very hard doing what the law says exactly to do and, you know, the law is rough" (Siddiqui, 2017). In August 2017 the media reported that President Trump was ready to announce phasing out of the DACA program in its current form. At first officials from the White House did not confirm the news. But at the beginning of September Donald Trump himself announced phasing out the program by 5 March 2018. The President declared that new applications will no longer be accepted, while those currently in the program will all lose their status by March 2020, with the first permits expiring in March 2018 – unless

Congress passes legislation allowing the young immigrants to stay. In a written statement issued shortly after attorney general Jeff Sessions announced the policy, Trump said “I do not favor punishing children, most of whom are now adults, for the actions of their parents. But we must also recognize that we are nation of opportunity because we are a nation of laws” (Siddiqui (a), 2017). With this decision nearly 800,000 young Dreamers lost their belief in a happy end. The program that protected them from deportation and allowed to live “normal” life was terminated. Since then, their existence in the USA was threatened by a significant possibility of sudden removal.

Although President Trump declared that he advised the Department of Homeland Security not to treat the DACA recipients as enforcement priority category, unless they commit crime, are gang members or are engaged in any criminal activity, his words did not calm the Dreamers down. Unfortunately for Dreamers, journalists obtained a document that was provided to members of Congress after the Trump administration announced its decision to end DACA. It said: The Department of Homeland Security urges DACA enrollees to use the time remaining on their work authorizations to prepare for and arrange their departure from the United States — including proactively seeking travel documentation — or to apply for other immigration benefits for which they may be eligible”. One of the officials also added: “once DACA expires, they are in this country illegally. And once that expires, we expect them to no longer remain in our country illegally” (Vega, et al., 2017). Even before the announcement of the termination of the DACA program the media reported about deportations of undocumented immigrants with valid removal protection under the DACA. What is more important, they did not commit any crime that would justify their deportation. In October 2017 the first lawsuit was filed by Juan Manuel Montes. He was the first Dreamer who claimed being wrongly deported by immigration agents (Gomez, 2017). The Dreamers frustration pushed them to the streets and they were not alone in their disagreement. According to the survey conducted by Politico and Morning Consult, almost 8 out of 10 American voters supported DACA and its benefits for young undocumented immigrants.

In public debates, it is still always underlined how valuable part of American society are the Dreamers. Their education is a key factor, but also the fact, that in comparison to immigrants entering American labor force, the Dreamers are fully assimilated. Their identity is more American than native. In an open letter nearly 400 U.S. executives, including Mark Zuckerberg from Facebook and Jeff Bezos from Amazon, urged Trump to retain protections (Choudhury, 2017). There is also another reason to worry after Donald Trump’s decision. If Congress does not enact a proper legislation securing Dreamers stay in the USA, they will have to face all consequences connected

with delivering their personal data to immigration agents while applying for DACA status. Cecilia Muñoz, who was a director of Barack Obama's domestic policy council, commented: "it would not be easy, but nor would it be impossible, for ICE (Immigration and Customs Enforcement) to get hold of this data" (Pilkington, 2017). Now, American immigration agents have complete information on a numerous group of unauthorized immigrants living in the USA. Having in mind that contemporary immigration policy in the USA favors strong enforcement and aims to remove as many as possible undocumented immigrants, such data may become dangerous if Congress fails again with a new DREAM Act (The most recent version was introduced in July 2017) or any other new project.

### A Short Profile of Dreamers

According to different sources there are estimated 1.1 million to 2 million of unauthorized immigrants who are eligible to benefit DACA program (Krogstad, 2017) (Wong, 2017). The data of the U.S. Citizenship and Immigration Services say there are about 788,000 unauthorized immigrants whose requests for DACA status were accepted. Other data also say they are an active part of the American labor force. Nine-tenths of Dreamers have jobs and their average hourly earnings increased from 10.29\$ to 17.46\$ after attending DACA (Glum, 2017).

The New York Times reported that more than a quarter of DACA recipients lived in California. From 2012, when the program started to March 2017, 28% of initial acceptances were for unauthorized immigrants living in this state. In the first year of the program - 14% lived in the Los Angeles metro area. Although the Dreamers live in every state, they predominantly reside in California and Texas. These two states are home to about 350,000 out of nearly 800,000 DACA recipients. Vermont has the lowest number of Dreamers – only 42. The biggest Dreamers' share of total state population is in California – 0.57%, Texas – 0.45%, Nevada – 0.44 and Illinois – 0.4%. (U.S. Citizenship and Immigration Services, 2017) Hispanics are the largest minority group living in the USA. Considering this fact, it is not surprising that among DACA recipients a vast majority is Latino. Among them, 79% are of Mexican origin. Both unauthorized immigrants from Mexico and El Salvador, if eligible, were the most likely to apply for the program. 84% of Mexicans and 83% of Salvadorans applied in 2016 (Parlapiano & Yourish, 2017). The average age of entry was 6 years old, while the most common was about 3. According to an analysis by the Migration Policy Institute, immigrant workers who are eligible for DACA have higher-skilled, higher-paying jobs than undocumented immigrants who are ineligible (Capps, et al., 2017). Dreamers are also less likely to be incarcerated than native-born Americans with the same age and the level of education. The native-born incarceration

rate is 14 percent higher than the Dreamer incarceration rate, while DACA-ineligible illegal immigrants and legal immigrants have the lowest rates of all (Landgrave & Nowrasteh, 2017).

### Summary

Dreamers have always been present in American society, but their presence was not salient until it became a political problem. The problem of Dreamers became a well known issue during the presidency of Barack Obama, who was trying to find a solution and introduce Dreamers to American society. His successor, Donald Trump used Dreamers to achieve goals he had declared before he won the presidential race in 2016. In October 2017 American president issued a list of demands including funding for a wall on the Mexico border and a crackdown on admittance of children from Central America, as its first move in negotiations for a deal to allow Dreamers to stay in the USA legally. The Dreamers' fate is still unclear. Democrats condemned Trumps proposition calling it "immoral" and "far beyond what is reasonable". However, the Guardian reports that:

Congressional Democratic leaders had been optimistic about striking a deal. After a dinner with the president last month, Senate minority leader Chuck Schumer and House minority leader Nancy Pelosi said they had agreed to consider bolstering immigration enforcement as part of a deal to codify the Dac program and give Dreamers legal status. (Gambino & Holpuch, 2017)

According to supporters of the DACA program, its elimination will mean economic burden. The CATO Institute has estimated that over the next ten years DACA beneficiaries will contribute \$512 billion to the US GDP (Lozano, 2017). The report released by the Center for American Progress aded that "it would also cost employers \$3.4 billion in turnover costs to replace lost workers and reduce contributions to Medicare and Social Security by \$24.6 billion over 10 years (Nanez & Gomez, 2017).

It is worth to note that the problem of Dreamers is multidimensional. The Dreamers' invisible border pushes their lives into a legal limbo. They are adults who were grown up in the United States. They were attending American schools, they have American friends, they are fluent in English. Many of them are also well educated and graduated American universities. They live "normal" life in America until they reach their invisible border, a "glass ceiling". It happens when they graduate and try to start their professional career. They cannot be hired legally, as according to American immigration law, they are undocumented immigrants. Moreover, any time their immigration status is revealed, they immediately become deportable. When it happens, it becomes a personal trauma, different that the one experienced by typical illegal immigrants. The Dreamers are separated from

their families and friends living in the USA and are deported to countries they don't know. The media report that many of them were not aware of their immigration status. In most such cases the first time when they found out that they were illegal immigrants was when they were trying to look for a job or were apprehended by the police. Eileen Truax says: „the struggle of undocumented youth, the Dreamers, is fundamentally a matter of human rights. There is a struggle for civil rights, for recognition of one's personal dignity, and for one's place in the world" (Truax, 2015).

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